

## **REMARKS**

Claim Amendments. The Examiner has requested that Applicants cancel claims 11 and 12 as being directed to non-elected subject matter. Claims 11 and 12 have been newly canceled by this amendment.

Deposit Requirements. The Examiner stated that the “deposit declaration regarding deposit filed 8/8/06 is defective in that it lacks the term “irrevocably”. “

Further to the deposit declaration made in the Amendment and Response to Official Action filed August 3, 2006, Applicants hereby declare that all restrictions on the availability to the public of the deposited biological material in Accession No. NRRL 30910 (*i.e.*, *Curvularia* isolate 1A15.1) will be irrevocably removed upon the granting of a patent.

Conclusion. Applicant respectfully requests reconsideration of the subject application in view of the amendments to the claims and the above remarks. It is respectfully submitted that this application is now in condition for allowance. Should the Examiner feel that there are any issues outstanding after consideration of this amendment, the Examiner is requested to contact the Applicant’s undersigned representative.

If there are any fees due in connection with the filing of this amendment, please charge the fees to our Deposit Account No. 50-1283. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

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Respectfully submitted,

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